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12 UNITED STATES DISTRICT COURT
13 EASTERN DISTRICT OF CALIFORNIA
14 SACRAMENTO DIVISION

15 MARIA GALLEGOS ,

16 Civil No. 2:24-cv-02384-AC

17 Plaintiff,

18 vs.

19 COMMISSIONER OF SOCIAL SECURITY,

20 Defendant.

**STIPULATION FOR THE AWARD AND
PAYMENT OF ATTORNEY FEES AND
EXPENSES PURSUANT TO THE EQUAL
ACCESS TO JUSTICE ACT, 28 U.S.C. §
2412(d), AND COSTS PURSUANT TO
28 U.S.C. § 1920; [PROPOSED] ORDER**

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22 IT IS HEREBY STIPULATED by and between the parties through their undersigned
23 counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees in the
24 amount \$6720.34 (SIX THOUSAND, SEVEN HUNDRED TWENTY dollars and THIRTY-
25 FOUR cents) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and no costs
26 under 28 U.S.C. § 1920. This amount represents compensation for all legal services rendered on
27 behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C.
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§§ 1920; 2412(d).

After the Court issues an order for EAJA fees to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees to counsel, if any. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor any assignment will depend on whether the fees are subject to any offset allowed under the United States Department of the Treasury's Offset Program. After the order for EAJA fees is entered, the government will determine whether they are subject to any offset.

Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of fees, expenses and costs to be made directly to counsel, pursuant to the assignment executed by Plaintiff. Any payments made shall be delivered to counsel.

This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney fees and does not constitute an admission of liability on the part of Defendant under the EAJA or otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any and all claims that Plaintiff and/or counsel including counsel's firm may have relating to EAJA attorney fees or costs in connection with this action.

This award is without prejudice to the rights of counsel and/or counsel's firm to seek Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

Respectfully submitted,

Date: February 21, 2025

Law Offices of Francesco Benavides

By: /s/ Francesco Paulo Benavides
FRANCESCO PAULO BENAVIDES
(as authorized by email)
Attorney for Plaintiff

Date: February 21, 2025

MICHELE BECKWITH
Acting United States Attorney
MATHEW W. PILE
Associate General Counsel
Office of Program Litigation, Office 7

1 Social Security Administration

2 By: /s/ Julie A.K. Cummings
3 JULIE A.K. CUMMINGS
4 Special Assistant United States Attorney
5 Office of Program Litigation, Office 7
6 Social Security Administration

7 Attorney for Defendant

ORDER

8 Based upon the parties' Stipulation for the Award and Payment of Equal Access to
9 Justice Act Fees, Costs, and Expenses, **IT IS ORDERED** that fees in the amount of \$6720.34 as
10 authorized by 28 U.S.C. § 2412, and no costs, be awarded subject to the terms of the Stipulation.

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13 DATED: February 21, 2025

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15 ALLISON CLAIRE
16 UNITED STATES MAGISTRATE JUDGE
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